IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.2450 of 2006

DATE OF ORDER: 15.1.2007

Avtar Singh

...Petitioner(s)

Versus

Harbhajan Kaur and Another

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. R.S. Bajaj, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 27.3.2006 passed by Additional Civil Judge(Sr.Divn.), Jalandhar whereby request of the plaintiff-petitioner for amendment of the plaint was declined.

The facts of the case are that the plaintiff had filed a suit for possession on the basis of agreement dated 20.6.2001 in respect of 7-1/2 marlas of land. Thereafter, an application for amendment was made that 7-1/2 was one-half of 15 marlas 75 sq. feet of the defendants.

Counsel for the plaintiff-petitioner argues that amendment was necessitated as in the written statement, defendants had disclosed that they are owners of 15 marlas, 75 sq. feet.

This application for amendment was opposed on behalf of the defendants, now respondents on the plea that the agreement itself was forged one. Even then, it was shown only in respect of seven and half marlas of land and that there was no mention that it was one-half of 15 marlas, 75 sq. feet and even plaintiff had shown the boundaries of the properties for which he had filed the suit with the plaint.

In this case, no evidence as yet was led when the application for amendment is stated to have been made by the plaintiff. No prejudice is going to be caused if amendment had been allowed. Defendants can be compensated with costs.

Under these circumstances, this petition is allowed. Let amended petition be taken on record subject to payment of Rs.2000/- as costs.

January 15, 2007 (M.M. AGGARWAL)
manoj JUDGE